

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, January 23, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Sharon Soltzberg, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Cindy Chaston, Elizabeth Fee, James Fee, Diane Simonelli, David Tobin (Town Counsel)

L. Standley opened the public meeting at 7:33 p.m.

MINUTES

The Commission reviewed the draft minutes of January 9, 2014 and edits proposed by L. Standley.

Motion to approve the Minutes of January 9, 2014 (as amended) by P. Alpert, seconded by J. Carter Bernardo, approved 7-0-0.

ENFORCEMENT & VIOLATION UPDATES

BIRCH STREET LOTS - UNAUTHORIZED STOCKPILING IN BUFFER ZONE

M. Varrell stated that, as discussed at the January 9th meeting, the Commission had directed staff to issue four Enforcement Orders to the owner of the properties, Ron Lopez of North Shore Construction, was for stockpiling of snow, soil, trees, construction materials and construction equipment within the buffer zone to bordering vegetated wetland to the rear of the properties between 15-17 and 33-35 Birch Street. Erosion controls had been installed along an existing chain-link fence which is approximately five feet from the edge of BVW. The Enforcement Order instructed the property owner to remove all material from the buffer zone and to relocate and/or install erosion controls at a minimum distance of 25 feet from the edge of the wetland resource area. M. Varrell reported that he had visited the properties, and submitted photos to the Commission. He stated that Mr. Lopez had removed the materials from the buffer zone and moved the erosion controls more than 25 feet from the wetlands as required by the Enforcement Orders.

Motion to ratify the Enforcement Orders for 15-17, 21-23, 27-29 and 33-35 Birch Street as drafted, by P. Alpert, seconded by S. Soltzberg, approved 7-0-0.

OUTSTANDING VIOLATION FINES

The Commission discussed several outstanding fines for wetlands violations. The Commission agreed to not pursue fines for [Edgeworth Road and Marr Road]. The Commission discussed the

outstanding Wetlands Violation Fine issued to the homeowner at 130 South Street on July 16, 2012 for \$1400 which remains unpaid.

Motion to forward the unpaid violation to Town Counsel to initiate Enforcement and Collection proceedings, by P. Alpert, seconded by S. Soltzberg, approved 7-0-0.

HEARINGS

470/500 SOUTH STREET (DEP FILE # 234-698) –ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

The Applicant requested a continuance to the March 13, 2014 meeting.

As several abutters were present for the hearing, the Commission allowed an informal discussion of the project. L. Standley explained that the Town (the applicant) had requested a continuance. M. Varrell noted that he had asked the consultant to make every attempt to notify the abutters about the continuance so they would not come to the meeting. The abutters, including Cindy Chaston, expressed their concern about the Town's plans for the property. J. Carter Bernardo explained that the purpose of the hearing is for the Commission to approve the wetlands delineation only and that the Town is not proposing a project at this time. M. Varrell explained that the Town has sewer and drainage easements running through the property. A portion of the drainage pipe located in the easement has been compromised by the roots of a willow tree and needs to be replaced. The abutters expressed their appreciation for the explanation and understood they would be notified by the Applicant when the actual project comes before the Commission at a later date.

Motion to continue the public hearing for 470/500 South Street (DEP File #234-698) until March 13, 2014 at 7:45 pm by P. Alpert, seconded by S. Soltzberg, approved 7-0-0.

1133 SOUTH STREET (DEP FILE # 234-688) - continued NOTICE OF INTENT

L. Standley opened the continued public hearing at 8:05 p.m. D. Simonelli represented the Applicant. D. Simonelli explained the difficulties the Applicant has had with getting approval of the design plan from NStar. The proposed septic system is now outside of the existing NStar easement. Proposed erosion controls include a "silt sock" along the edge of the easement and down the driveway. D. Simonelli noted that a portion of the silt sock will be installed within the 25-foot buffer zone in order to facilitate the machinery necessary to perform the work. In order to install the septic system, a willow tree must be removed. The Applicant proposes to replace the tree with two trees outside the 25-foot buffer.

J. Carter Bernardo asked for clarification of what exactly was being removed or demolished in place. D. Simonelli explained the system would be demolished in place and the new system would be installed within 50 feet of the wetland. D. Simonelli stated that the Applicant is waiting for approval from the Health Department. M. Varrell noted that the 25-foot buffer zone line as shown on the plan is incorrect and is actually shown at a distance of 30 feet. No waiver request is necessary as the erosion controls are actually located outside the 25-foot buffer.

Motion to close the public hearing 1133 South Street (DEP FILE # 234-688) by P. Alpert, seconded by S. Soltzberg, approved 7-0-0. The Commission reviewed the draft Order of Conditions.

Motion to issue the Order of Conditions for 1133 South Street (DEP FILE # 234-688) by P. Alpert, seconded by S. Soltzberg, approved 7-0-0.

OTHER BUSINESS

48 WOODWORTH ROAD (DEP FILE #234-692) PLANTING PLAN

D. Simonelli represented the Applicant. D. Simonelli stated that after receiving guidance from M. Varrell, she had made further revisions to the planting plan and submitted it to the Commission. She explained that the revised plan includes the proper scientific names of the proposed plantings as well as the tree sizes and 12-foot on center spacing required. In addition, the trees were spread out more throughout the site to lessen the change of overcrowding. D. Simonelli stated that the Applicant was requesting the Commission allow the substitution of a portion of the proposed tree replacement with a two-shrub installation per one tree removal. L. Standley noted that the Commission had required the planting of 42 trees in the 100-foot buffer zone and the revised plan shows 22 trees in the buffer. D. Simonelli reiterated that she had attempted to spread out the trees. L. Standley explained that the Commission requires that trees removed from the buffer zone are replaced in the buffer zone. D. Simonelli explained that the Applicant would like to submit a report from her Arborist documenting the number of trees to be removed that he describes as hazardous. L. Standley stated that the Order of Conditions had been issued therefore; no new information would be accepted.

P. Alpert explained to D. Simonelli the process by which the Commission continues discussion of the draft Order of Conditions at the end of the meeting and makes revisions at that time. It is still part of the open meeting and the public is allowed to listen to the discussion but the Commission does not allow input from the public. M. Varrell stated that when he spoke with D. Simonelli he had suggested she propose planting 28 trees and 14 shrubs within the 100-foot buffer zone. The Commission discussed allowing the installation of a minimum of 28 trees and 14 shrubs within the 50-100 foot buffer zone, with at least three plants per species, and determined partially due to space constraints to allow the revision. L. Standley pointed out several errors on the revised plan to D. Simonelli.

IPM POLICY – DISCUSSION

The Commission received a copy of the Town's draft revised Integrated Pest Management Policy to review. M. Varrell explained that the draft is an update of the existing 2002 Policy. He noted that the Policy regulates the pest management strategies used town wide both inside and outside buildings. S. Farr asked what the Town's mosquito spraying policy is. L. Standley explained that mosquito control is conducted by the Norfolk County Mosquito Control District with no input from the Town. She stated that they usually don't commence action unless monitoring shows mosquitos carrying Eastern Equine Encephalitis (EEE) or other pathogens in the vicinity. The public does receive notice prior to spraying and individual homeowners can opt out of spraying. L. Standley noted that Norfolk County Mosquito Control will clear out stream channels and ditches (mosquito breeding habitats) on properties if the homeowner notifies them of concerning mosquito activity.

M. Varrell explained that upon comparison, the 2002 version of the IPM Policy and the Policy revision dated December 17, 2013 differ mainly in formatting and minor language changes.

L. Standley noted that the only Commission-owned property with an invasive species control plan in place is the Carol-Brewster Property.

Motion to support the Town's Integrated Pest Management Policy as revised on December 17, 2013 by P. Alpert, seconded by S. Soltzberg, approved 6-1-0 (A. Crocker voted in opposition).

FACILITIES WORKING GROUP – DISCUSSION

L. Standley mentioned that the Facilities Working Group (FWG) was meeting on January 27, 2014. The Conservation Commission's representative to the FWG, A. Crocker, explained that the Group is looking for a "vision" from the different Boards and Committees in the Town. The Conservation Commission does not own any properties containing buildings, but is concerned with future re-use of the buildings at Ridge Hill Reservation. L. Standley explained that the Permanent Public Building Committee gives the various Boards a voice through the FWG. P. Alpert noted that the buildings located at Ridge Hill are under the control of the Board of Selectmen, however; the Selectmen are legally required to receive the input and approval of the Conservation Commission if they seek to change the current use of the buildings to anything other than a senior center.

L. Standley explained her position that the Conservation Commission's role on the Facilities Working Group should be as the "environmental conscience" ensuring the decisions made are consistent with the wetlands protection and the Town's open space policy. P. Alpert stressed the importance and sensitivity of the conservation land surrounding the Ridge Hill buildings. M. Varrell suggested that if the Town proposes to work on the existing DPW building that perhaps the Commission could take the opportunity to suggest that the Consultant look at creative stream restoration of the armored streams leaving the reservoir. The Commission agreed that would be a good mitigation option.

EXECUTIVE SESSION

Motion to enter Executive Session by P. Alpert, seconded by S. Soltzberg, approved 7-0-0. Minutes of the Executive Session were prepared separately.

Motion to leave Executive Session by P. Alpert, seconded by S. Soltzberg, approved 7-0-0.

Motion to adjourn at 9:01 p.m. by P. Alpert, seconded by S. Soltzberg, approved 7-0-0.

NEXT PUBLIC HEARING

February 13, 2014 at 7:30 PM in the Public Service Administration Building, Charles River Room